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Kenneth L. Baum, Esq.

December 26, 2018

**Via ECF and Poughkeepsie.chambers@nysb.uscourts.gov**

Hon. Cecelia G. Morris, Chief U.S.B.J.  
United States Bankruptcy Court  
Southern District of New York  
355 Main Street  
Poughkeepsie, NY 12601-3315

Re: Kevin Jared Rosenberg v. NY State Higher Education Services Corp., *et al.*  
Adv. Pro. No. 18-09023-cgm

Dear Chief Judge Morris:

This firm represents Defendant, Educational Credit Management Corporation (“ECMC”). In furtherance of my conversation with Ms. Robie earlier today, and pursuant to LBR 7007-1(b), I am writing to request an informal conference with the Court to address a pending discovery dispute.

Specifically, on October 5, 2018, I served ECMC’s Initial Interrogatories and Request for Production of Documents (collectively, the “Discovery Requests”) upon Plaintiff, Kevin Jared Rosenberg. On November 2, 2018, Mr. Rosenberg advised me that he was working on his responses to the Discovery Requests and would provide me with the same within 2-3 weeks. After not receiving any responses from Mr. Rosenberg, I e-mailed him on several occasions – most recently, on December 17, 2018 – to remind him that his responses to the Discovery Requests were overdue and advise that we would be compelled to request an informal conference if he did not comply. Mr. Rosenberg has not responded to any of my messages.

As a result of Mr. Rosenberg’s refusal to cooperate in the discovery process, ECMC is being prejudiced in its ability to defend this adversary proceeding. Pursuant to Your Honor’s Amended Scheduling Order, the discovery deadline is **February 4, 2019**. Accordingly, we are requesting an informal conference as soon as Your Honor’s calendar will permit.

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Thank you for Your Honor's attention to this matter.

Respectfully,

*/s/ Kenneth L. Baum*

Kenneth L. Baum

cc: Mr. Kevin Jared Rosenberg (*via* e-mail)  
Geoffrey J. Peters, Esq. (*via* e-mail)